

MEDIA RELEASE

**Attention: News Director
For Immediate Release
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**U.S. DEPARTMENT OF JUSTICE
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Western District of Kentucky**

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TODD KELLY'S MOTHER PLEADS GUILTY

– Sybil Smith pleads guilty to remaining silent despite knowledge that the Todd Kelly Foundation was not donating any money to ALS research

David L. Huber, United States Attorney for the Western District of Kentucky, announced today that **SYBIL SMITH**, age 68, of 203 Woods Road, Elizabethtown, Hardin County, Kentucky, **pled guilty** to failing to report mail fraud and wire fraud being committed by her son, Todd Edward Smith, a.k.a. Todd Kelly. Specifically, Sybil Smith knew that the Todd Kelly Foundation was not providing any funds towards ALS research, contrary to claims being made by Todd Smith.

The maximum potential penalties are three years imprisonment, a \$250,000 fine, and one year of supervised release. The parties entered into a plea agreement, and if the agreement is accepted by the court **Sybil Smith** will be sentenced to one year of probation.

In 2001 Todd Smith, a former radio personality with WDJX, announced to family, friends and coworkers that he had been diagnosed with Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's disease, and that doctors had told him he had three to five years to live.

In 2002, Todd Smith announced that he was establishing the Todd Kelly Foundation to raise money for ALS research. On its website, the Todd Kelly Foundation stated: "by making a tax deductible donation to the Todd Kelly Foundation-ALS Research, you are directly funding the ground-breaking research that will one day provide treatments and a cure for this devastating disease," and "OVER 80 CENTS OF EVERY DOLLAR YOU GIVE GOES STRAIGHT TO

SCIENTIFIC RESEARCH. We promise that your donation will be used wisely and effectively."

Over the next several years, Todd Smith held various fund raising events to generate funds for the Foundation. Smith solicited and received thousands of dollars in donations from hundreds of donors by interstate wire and United States mail. These fund raisers were often advertised on both television and radio broadcasts. Throughout the various fund-raising events, Smith continued to assert that he suffered from ALS and frequently sent emails and letters updating potential donors on his medical condition.

In 2004, Todd Smith alleged that in addition to ALS, he was also suffering from bone cancer, and that he might lose both of his legs. Todd Smith also claimed that he was in thousands of dollars of debt resulting from ALS and cancer related medical expenses that were not covered by insurance. In addition to the fund raisers held on behalf of the Todd Kelly Foundation, fund raisers were also held to benefit Todd Smith directly, to offset his uncovered medical expenses. These events raised thousands of dollars in additional donations, paid directly to Todd Smith.

Sybil Smith was the Todd Kelly Foundation's Treasurer and was an authorized signer on the Foundation's bank account from its inception until May 2005. As Treasurer, **Sybil Smith** paid bills, reviewed bank records, and deposited donations made to the Todd Kelly Foundation. The Todd Kelly Foundation's Fifth Third Bank account records reflect that contrary to the representations on its website, no Foundation funds were contributed to ALS research. **Sybil Smith** knew that the Todd Kelly Foundation was not providing any funds towards ALS research, but remained silent and allowed the fraud to continue.

Todd Kelly Foundation account withdrawals reflect, among other things, that instead of funding ALS research, Todd Smith used Todd Kelly Foundation funds to pay for other fund raisers and to pay for thousands of dollars of his own personal expenses, including car payments, car

insurance payments, cable and telephone bills, meals at restaurants, limousines, vacations, and alcohol.

Under the terms of the plea agreement, **Sybil Smith** has agreed to testify truthfully in any trial or proceeding involving Todd Smith.

The case was prosecuted by Assistant United States Attorneys David Weiser and Ann Claire Phillips, and was investigated by the Federal Bureau of Investigation and the Kentucky State Police.

The plea was entered before Dave Whalin, Magistrate Judge, United States District Court, Louisville, Kentucky.

Sybil Smith is scheduled to be sentenced before Judge Simpson on June 25, 2007, at 3:00 p.m., in Louisville, Kentucky.

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